

SEP 14 2006

GIBBONS, DEL DEO, DOLAN, GRIFFINGER & VECCHIONE

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
ONE PENNSYLVANIA PLAZA, 37TH FLOOR
NEW YORK, NY 10119-3701

212-649-4700

212-333-5980 Fax

SENDER'S DIRECT DIAL

SENDER'S DIRECT FACSIMILE

FACSIMILEFacsimile Number 1-571-273-8300

Contact Number _____

To: Commissioner for Patents

Company: _____

From: Margaret B. KelleyDate: Thursday, September 14, 2006 4:47:22 PM

Total Number of Pages Transmitted Including This Cover Page

22**MESSAGE**

Please see the attached, which we are submitting for filing.

*****CONFIDENTIALITY NOTE*****

Document(s) accompanying this facsimile transmission contain(s) information from the law firm of Gibbons, Del Deo, Dolan, Griffinger & Vecchione which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and that the documents should be returned to this firm immediately. In this regard, if you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you.

IF YOU DO NOT RECEIVE ALL OF THE PAGES INDICATED ABOVE,
PLEASE CALL US AS SOON AS POSSIBLE.

This fax was transmitted directly from a networked PC.

RECEIVED
CENTRAL FAX CENTER

SEP 14 2006

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL
FORM

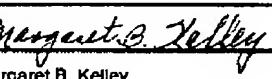
(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10672,232
Filing Date	9/23/03
First Named Inventor	Mark J. Chmel et al.
Art Unit	1761
Examiner Name	C. Paden
Attorney Docket Number	105942-53921

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Amendment and Response to Restriction Requirement
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Remarks	

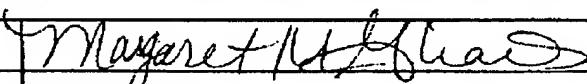
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Gibbons, Del Deo, Dolan, Grifflinger & Vecchione, P.C.		
Signature			
Printed name	Margaret B. Kelley		
Date	9/14/06	Reg. No.	29,181

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature



Typed or printed name

Margaret M. Gliaos

Date

9/14/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SEP 14 2006

Application No. 10/672,232

Atty. Docket No. 105942-53921

Amendment and Response to Restriction Requirement

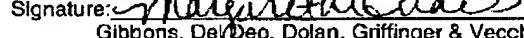
CERTIFICATE OF MAILING/FAX TRANSMISSION

I hereby certify that this correspondence is being:
____ deposited with the United States Post Office in a first class
mail envelope addressed to: Commissioner for Patents,

X Alexandria, Virginia 22313
transmitted via facsimile to the Commissioner for Patents
via facsimile number 571-273-8300

Date: September 14, 2006

Name: Margaret M. Giaos

Signature: 
Gibbons, Del Deo, Dolan, Griffinger & Vecchione, P.C.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title: Bars and Confectionaries Containing Cocoa Solids Having a High Cocoa Polyphenol Content and Sterol/Stanol Esters and Processes for Their Preparation"

Applicants: Mark J. Chimel, et al.

Serial No.: 10/672,232 Filed: September 25, 2003

Examiner: C. Paden Art Unit: 1761

Conf. No.: 8713 Customer No.: 26345

Docket No.: 105942-53921

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is submitted in response to the Restriction Requirement mailed August 14, 2006. A response is due September 14, 2006.